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Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

A.W., a minor, by and through
Guardian Ad Litem and individual,
CHABLIS STEWART WILLIAMS,

Plaintiffs,

v.

CLARK COUNTY SCHOOL DISTRICT;
JANICE ROLLINS/MONTEIRO,
individually and in her official
capacity as a Speech Pathologist
with the CLARK COUNTY SCHOOL
DISTRICT; and DWIGHT D. JONES in
his official capacity as
Superintendent of the CLARK COUNTY
SCHOOL DISTRICT,

Defendants.

CASE NO.: 2:13-cv-00314-JAD-PAL

**MOTION TO EXCUSE THE ATTENDANCE
OF DEFENDANTS ROLLINS/MONTEIRO
AND JONES FROM THE SETTLEMENT
CONFERENCE**

Settlement Conference: 9/06/13
Time: 9:30 a.m.

The undersigned, counsel for Clark County School District
("CCSD"), Janice Rollins/Monteiro and Dwight D. Jones (collectively
"Defendants"), hereby submits this request to excuse the attendance of

1 Defendants Rollins/Monteiro and Jones from the upcoming settlement
2 conference.

3 I. INTRODUCTION AND ARGUMENT

4 Plaintiffs filed the instant action seeking reversal of the
5 Nevada Department of Education State Review Officer special education
6 administrative decision based upon 20 U.S.C. § 1415(i)(2)(A) and for
7 related claims of racial discrimination. In addition to naming CCSD,
8 Plaintiffs have also alleged claims against Dwight Jones, the former
9 CCSD Superintendent, and Ms. Janice Rollins/Monteiro, a speech
10 language therapist for the CCSD who evaluated the student.

11 A settlement conference is currently scheduled for Friday,
12 September 6, 2013 at 9:30 a.m. Defendants respectfully request that
13 Mr. Jones and Ms. Rollins/Monteiro be excused from attending the
14 upcoming settlement conference. Although Plaintiffs named both
15 Mr. Jones and Ms. Rollin/Monteiro in their lawsuit, Defendants believe
16 that both were improperly named and Plaintiffs' claims against both
17 are redundant of Plaintiffs' claims against the CCSD. A Motion to
18 Dismiss (Doc. #21) which seeks dismissal of the claims against
19 Defendants Mr. Jones and Ms. Rollin/Monteiro is currently pending with
20 the Court. Additionally, CCSD has accepted the full defense of this
21 lawsuit on behalf of both Mr. Jones and Ms. Rollin/Monteiro given that
22 both were sued for events that occurred in their capacities as
23 Superintendent and speech language therapist, respectively. CCSD's
24 general counsel will attend the settlement conference and will have
25 full authority to settle the case on behalf of **all** Defendants.

26 Moreover, Mr. Jones no longer resides in the State of Nevada and
27 the CCSD is not currently aware of his current schedule and will need
28 to coordinate his availability and travel. In addition, the

1 settlement conference will occur on a regular school day during which
2 Ms. Rollins/Monteiro is responsible for providing educational support
3 for students and staff within the district. Her attendance at a
4 settlement conference will require the CCSD to coordinate making other
5 arrangements for coverage of her current work assignment. Because
6 settlement discussions between the parties will not be aided by Mr.
7 Jones or Ms. Rollins/Monteiro's presence, Defendants respectfully
8 request their attendance from the settlement conference be excused.

9 **II. CONCLUSION**

10 For the foregoing reasons, Defendants respectfully request
11 the Court excuse the attendance of former Superintendent Dwight
12 Jones and Ms. Rollins/Monteiro at the upcoming settlement
13 conference.

14 DATED this 30th day of August, 2013.

15 CLARK COUNTY SCHOOL DISTRICT
16 OFFICE OF THE GENERAL COUNSEL

17 By: /s/ Donna Mendoza Mitchell
18 DONNA MENDOZA MITCHELL, ESQ.
19 Nevada Bar No. 2755
20 JEANNE-MARIE HANNA, ESQ.
21 Nevada Bar No. 8613
22 PHOEBE V. REDMOND, ESQ.
23 Nevada Bar No. 9657
24 5100 West Sahara Avenue
25 Las Vegas, NV 89146

21 IT IS SO ORDERED this 4th day of
22 September, 2013.

23 MARK E. FERRARIO, ESQ.
24 Nevada Bar No. 1625
25 KARA HENDRICKS, ESQ.
26 Nevada Bar No. 7743
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28 3773 Howard Hughes Pkwy., #400 North
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Peggy A. Leen
United States Magistrate Judge

Attorneys for Defendants

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on the 30th day of August, 2013, I electronically filed the foregoing **MOTION TO EXCUSE THE ATTENDANCE OF DEFENDANTS ROLLINS/MONTEIRO AND JONES FROM THE SETTLEMENT CONFERENCE** with the United States District Court, District of Nevada's CM/ECF System thereby completing service upon Plaintiff's counsel, Lawrence W. Freiman, Esq., who is a registered user.

/s/ Eva Martinez
AN EMPLOYEE OF THE CLARK COUNTY
SCHOOL DISTRICT